

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 DAVID A. HANO,

Case No. 2:19-cv-02246-GMN-EJY

5 Plaintiff,

**ORDER**

6 v.

7 STATE OF NEVADA, et.al.,

8 Defendant.  
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10 Before the Court is Plaintiff's Motion for Enforcement of Court Order Directing Delivery of  
11 Medications. ECF No. 35. The Court has considered Plaintiff's Motion and Defendants' Response  
12 (ECF No. 44).

13 On November 13, 2020, the Court found "Plaintiff's heart condition is a serious medical  
14 need"; "Plaintiff has demonstrated a likelihood of success on the merits that Defendants were  
15 deliberately indifferent to Plaintiff's serious medical need by failing to timely refill his  
16 nitroglycerin"; and, "Plaintiff has demonstrated that he will suffer irreparable harm absent injunctive  
17 relief." ECF No. 34 at 7, 8, and 9. The Court ultimately granted Plaintiff's Motion for Preliminary  
18 Injunction in part and ordered "Defendants shall provide Plaintiff with his nitroglycerin prescription  
19 within one week of a refill request." *Id.* at 10. This Order was entered on November 13, 2020.  
20 Plaintiff's instant Motion contends that on November 19, 2020, Plaintiff's prescription had not been  
21 refilled, he was hospitalized, and that Defendants have been dilatory in fulfilling the Court's Order.

22 In response, Defendants state that Plaintiff's nitroglycerin, tamsolusin, docusate, and  
23 spironolactone were "scanned in ... on November 18, 2020" and "HDSP medical staff should have  
24 delivered them to the inmate on that same day or the next day." ECF No. 44 at 2. Interestingly,  
25 Defendants do not state the medication *was* delivered to Plaintiff on November 18 or 19, 2020.  
26 Defendants also state they "are making a good faith effort to refill inmates' prescription medications  
27 in a timely manner without delay." *Id.* While the Court appreciates and does not doubt that  
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1 Defendants are acting in good faith, the Court's Order requires Defendants do more—Defendants  
2 must ensure that Plaintiff's nitroglycerin refills are refilled within one week of a request to do so.

3 Accordingly, Plaintiff's Motion for Enforcement of Court Order Directing Delivery of  
4 Medications (ECF No. 35) is GRANTED in part and DENIED in part.

5 IT IS FURTHER ORDERED that Defendants shall comply with the Court's Order to refill  
6 Plaintiff's nitroglycerin prescription within one week of a refill request.

7 IT IS FURTHER ORDERED that Plaintiff's request for sanctions is denied at this time, but  
8 are not precluded in the future if there is demonstrated, continued failure to comply with the Court's  
9 injunctive order.

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11 Dated this 22nd day of January, 2021

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14 ELAYNA J. YOUCHAH  
15 UNITED STATES MAGISTRATE JUDGE  
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